

REMARKS

In response to the office action dated June 26, Applicant has amended claims 1-4, 8-12, 14-16, and 20. Claims 21-23 are new. Claims 1-23 are presented for examination, with claims 1, 9, and 15 being independent.

Claims 21-23 included features that were canceled herein from their respective base claims at least because the features of those claims are not needed to distinguish the base claims over the prior art.

Double patenting

Claims 1-20 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of Application No. 101735,595, claims 1-26 of Application No. 101734,618, claims 1-21 of Application No. 101734,616, and claims 1-20 of Application No. 101734,617. The examiner stated:

Although the conflicting claims are not identical, they are not patentably distinct from each other because each application contains substantially similar subject matter with obvious variations of claimed subject matter.

Applicant does not agree with the examiner's statement regarding obviousness. However, Applicant requests that the examiner hold the rejection in abeyance until the other rejections are resolved. The applicant may consider filing a terminal disclaimer when the claims are allowed.

U.S.C. §103(a) rejections

Claims 1-4, 7-10, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), further in view of Piccione (US 7,124,186). The examiner stated:

Regarding claims 1, 9, and 15 Abbasi discloses a virtual encounter system and method comprising, a mannequin having life-like features, the mannequin further comprising: a simulated human body part 55; a camera 35a-b coupled to the body for sending video signals to a communications network 30; and a microphone 40a-b coupled to the/ body for sending audio

signals over the communications network; a display to render the video signals received from the camera and a transducer to transduce the audio signals received from the microphone (See Col. 2, lines 54-67). Abbasi discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a video display in the form of goggles.

However, it is the examiner's position that providing a head mounted display is old and well known in a virtual reality environment. In addition, Choy teaches a virtual reality system wherein users are provided with their own headsets for displaying images and sound (See Choy, Col. 3, lines 1-6, lines 41-45; Fig 1, headset output) to provide images of a person with whom the user wishes to fantasize. In view of Choy, it would have been obvious to one of ordinary skill in the art to modify the display described in Abbasi, by providing a head mounted display goggles in order to enhance the reality of a virtual environment by allowing a user to fantasize about a person displayed in the headset display.

Applicant disagrees that it would have been obvious to combine Abbasi and Choy.

Abbasi teaches away from using "a set of goggles including a display to render electrical signals representative of second video signals" which "at least partially reflect surrounding views ... of a location different from a location of the mannequin ...", as recited by amended claim 1.

Abbasi describes kisses between two users at remote locations through a network (abstract). Each user is equipped with a mechanical surrogate attached to a computer in the network (column 4, lines 62-63). When a first user kisses his mechanical surrogate, sensors attached to the surrogate deliver the feature of the kiss to the mechanical surrogate of the second user through the computers and the network (column 4, line 62 to column 5, line 3). The kiss of the first user is recreated on the mechanical surrogate of the second user so that when the second user kisses his surrogate, the two users effectively kiss each other (column 5, lines 1-9). Each user is also equipped with a user interface that includes chat windows, video windows, and control buttons for audio and video receiving (FIG. 7 and column 7, lines 22-37). The user interface allows the users to interact with each other and control the process of the kisses (column 7, lines 44-49).

To perform the kisses successfully as Abbasi describes, each user has to be able to locate his surrogate and to view the user interface for communication. If the user uses "a set of goggles including a display to render electrical signals representative of second video signals" which "at least partially reflect surrounding views ... of a location different from a location of the

mannequin ...”, the user would not be able to see his surrogate and kiss the surrogate. By using a set of goggles, the user would only be able to see the display of the goggles and would not be able to see *both his surrogate and the user interface*. Accordingly, even if Choy does describe a headset, one skilled in the art would not have used Choy’s headset in Abbasi.

Abbasi stated:

In practice, a user can kiss the mechanical surrogate attached to the first computer 15. The user's kiss can be perceived through the sensors located in the first mechanical surrogate 50. The characteristics of the kiss, ..., can be communicated by the first computer 15 to the second computer 25 using a computer network 30. Once the characteristics of the kiss are received, the kiss can be recreated on the second mechanical surrogate 55 attached to the second computer 25. To complete the contact sequence, the second user 20 can kiss the mechanical surrogate 55 attached to the second computer 25.

FIG. 7 is a pictorial representation of *a graphical user interface used by a computer program that embodies the method of the present invention*. The computer program uses a graphical user interface manager to present a graphical user interface (GUI) comprising a top-level window 230. Within the confines of the top-level window 230, the GUI comprises a textual chat window 235. Using the textual chat window 235, *two users can communicate using keystrokes on their respective keyboards*. In order to provide a level of privacy, the GUI allows the user to enable or disable audio or video transmission. This is done through *the use of command buttons* to turn audio on 255 or off 260 and other command buttons to turn video on 245 or off 250. The GUI further comprises a video presentation window 240 that is used to present video arriving from a remote instance of the program. (column 7, lines 22-37, emphasis added)

With a connection established, the computer program according to the present invention *allows the user to start a physical contact encounter by selecting the start encounter command button 270. Terminating the encounter is easily accomplished by selecting the stop contact command button 275*. (column 7, lines 43-49, emphasis added)

The examiner further stated:

The combination of Abbasi and Choy discloses all of the claimed subject matter with the exception of explicitly disclosing that the video and audio signals reflect the mannequin's surrounding views and sound in real-time. The examiner agrees with applicant that the audio and video signals described in Choy are retrieved from a database. However, Piccionelli teaches a method of providing live performances over a network, wherein the performance is a virtual sex service (see Col. 5, line 62 - Col. 6, line 2); wherein the performance is provided from a room with video conferencing or other means of transmission of visual, auditory, audiovisual, tactile,

smell, and other sensory information. See Piccione, col. 5, lines 30-50. Therefore, It would have been obvious to one of ordinary skill in the art to modify the audio/video virtual sex environment described in Abbasi and Choy, by providing teleconferencing to provide surrounding views and thereby deliver a live performances in real-time in response to a user's request. See Piccione, Col. 2, lines 35-47.

Piccione's description of "live performances" does not describe and would not have made obvious "a mannequin, ... and a set of goggles" that include features recited in amended claim 1. Even if Piccione were combined with Abbasi (Applicant does not concede that it would have been obvious to combine the references), the result would not include "a set of goggles" with features recited in claim 1.

Choy alone does not describe and would not have made obvious at least "a set of goggles including a display to render electrical signals representative of second video signals" which "at least partially reflect surrounding views and sound of a location different from a location of the mannequin in real time", as recited by amended claim 1. Choy describes a headset that provides a user with views of *an avatar in a virtual environment* (column 11, lines 13-25), and does not display video signals that "at least partially reflect surrounding views and sound of a location different from a location of the mannequin in real time."

One skilled in the art would not modify Choy to display video signals that "at least partially reflect surrounding views and sound of a location different from a location of the mannequin in real time," because the modification makes Choy's system not work as intended and destroys the advantages of Choy's system. According to Choy, creating the avatar and the virtual environment provides advantages. For example, "the user will be able to select with whom they wish to interact with (a film star for instance)" (column 2, lines 8-9), or "[T]he use of computer generated imaginary in virtual reality means that both the avatars, and the environments they are both to be experienced within, can be many and varied" (column 11, lines 18-20). For at least these reasons, one skilled in the art also would not have combined Choy and Piccione, even if Piccione describes live performances over a network, as the examiner stated (office action, pages 5-6).

None of Abbasi, Choy, and Piccionelli alone describes or would have made obvious the features of amended claim 1. It would not have been obvious to combine Abbasi and Choy because Abbasi teaches away from such a combination. The combination of Abbasi and Piccionelli would not have made obvious the features of amended claim 1. It would not have been obvious to combine Choy and Piccionelli because Choy teaches away from such a combination.

Amended claim 1 is patentable over Abbasi, Choy, and Piccionelli. Amended claims 9 and 15 are patentable for at least similar reasons discussed for claim 1. Dependent claims 2-4, 7-8, 10, 13-14, and 16-17 are patentable for at least the reasons discussed for respective independent claims.

Claims 5-6, 11-12, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), Piccionelli , and further in view of Gutierrez (USPN 5,111,290).

Independent claims 1, 9, and 15 are patentable over Abbasi, Choy, Piccionelli, and Gutierrez, at least because Gutierrez does not cure the deficiencies of Abbasi, Choy, and Piccionelli. Dependent claims 5-6, 11-12, and 18-20 are patentable for at least the reasons discussed for respective independent claims.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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